

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

HECTOR MATOS, JR.,

Plaintiff,

v.

T. McKINNEY; Sergeant, et al.,

Defendants.

**9:07-CV-336
(GLS\RFT)**

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Hector Matos, Jr.
Pro Se
P.O. Box 506
Bronx, NY 10463

Hector Matos, Jr.
2861 Exterior Street
Bronx, NY 10463

FOR THE DEFENDANTS:

HON. ANDREW M. CUOMO
New York Attorney General
The Capitol
Albany, NY 12224

STEVEN H. SCHWARTZ
Assistant Attorney General

**Gary L. Sharpe
U.S. District Judge**

MEMORANDUM-DECISION AND ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order (“R&R”) by Magistrate Judge Randolph F. Treece, filed August 21, 2008. (Dkt. No. 36.) The R&R¹ recommended granting defendants’ motion to dismiss for lack of prosecution² and dismiss the complaint. On September 8, 2008, plaintiff Hector Matos, Jr., filed a letter construed as an objection to the R&R. (See Dkt. No. 37.) In reality, the letter merely states that Matos has unsuccessfully attempted to contact defendants’ counsel. Matos includes a copy of a letter he wrote to defense counsel indicating his willingness to pursue the case. Despite this assertion, however, nothing in the record indicates that Matos has rectified the issue pointed out by Judge Treece.³ Since Matos has failed to object specifically to the R&R, the court has reviewed the R&R for clear error. Finding none, the complaint is dismissed.

Wherefore, it is hereby

¹The Clerk is directed to append the R&R to this decision, and familiarity therewith is presumed.

²Pursuant to FED. R. CIV. P. 41.

³Namely, compliance with court-ordered discovery.

ORDERED that the Report-Recommendation and Order of Magistrate Judge Randolph F. Treece filed August 21, 2008 is accepted in its entirety for the reasons stated therein; and it is further

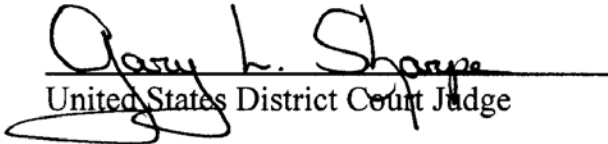
ORDERED that defendants' motion to dismiss is GRANTED and the complaint is dismissed; and it is further

ORDERED that the Clerk enter judgment in favor of the defendants and close the case; and it is further

ORDERED that the Clerk provide copies of this Decision and Order to the parties.

IT IS SO ORDERED.

March 25, 2009


United States District Court Judge